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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,350

12/23/2003

Mark Lowell

GameTech.006010

4714

42640

7590

05/21/2007

DILLON & YUDELL LLP

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SUITE 2110

AUSTIN, TX 78759

EXAMINER

KARKHANIS, AASHISH

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,350

Applicant(s)

LOWELL ET AL.

Examiner

Aashish Karkhanis

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 10 and 23 – 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowe et al. (U.S. Patent Application Publication 2002/009888 A1).

Regarding Claims 1 – 2 and 25 – 26, Rowe discloses a method for generating an electronic pull tab game including generating a deck of pull-tab tickets that specifies for each of the pull tab tickets, a game theme specifying game outcome display indicia, a number of pull tab lines played, and a ticket index that specifies a game outcome (para. 0020; where a pull tab is a game outcome that may be a winning or non-winning outcome in accordance with a specific game theme such as poker, blackjack or other games that use a combination of elements to different game outcomes generated based on a ticket probability index of each outcome), generating a deal of the pull tab tickets within the deck, wherein the deal specifies a monetary denomination and a sequential order of one or more of the pull tab tickets within the deck (para. 0003; where pull tab game outcomes are drawn sequentially, each later outcome being drawn after the first outcome has been resolved), and responsive to a purchase transaction for a pull tab ticket within said deck: shuffling the deck of pull tab tickets using a linear congruential algorithm to select a pull tab ticket index from the set-of pull tab ticket indices, said

Art Unit: 3714

linear congruential algorithm comprising the formula: $\text{NextTicketIndex} = (\text{Multiplier} * \text{PreviousTicketIndex} + \text{Increment}) / \text{Modulus}$, wherein NextTicketIndex represents the selected pull tab ticket index, Modulus represents a specified modulus value, Multiplier represents a constant associated with the specified modulus value, wherein the specified modulus value is a power of two and is at least five times greater than the number of the pull tab tickets in said deck, PreviousTicketIndex represents the previously issued pull tab ticket index, and Increment represents an odd integer that is uniquely associated to said deal from among other deals within said deck and is less than the value for Modulus and assigning the selected pull tab ticket index specified by NextTicketIndex (para. 0020; where electronic gaming machines such as reel games and video poker machines inherently include random number generators to shuffle all possible outcomes and select an outcome based on the relative probability of each outcome, where a random number generator may use any type of specific algorithm to achieve the same tangible result of providing a game outcome to a player) wherein the linear congruential algorithm is designed not to repeat until all of the pull tabs in the deck have been selected (para. 0003; where pull tab game outcomes are drawn sequentially and the deck shuffling algorithm is performed after each game play is complete, creating a new random generation of outcomes).

Regarding Claims 3 – 5 and 27 – 29, Rowe discloses a method wherein at least one of the pull tab tickets is designated as a winning tab in accordance with its pull tab ticket index, said method further comprising dividing the set of winning pull tabs into a plurality of subsets, wherein each of the plurality of subsets has a different number of

Art Unit: 3714

winning pull tabs (para. 0020; where winning poker hands are divided into subsets based on their probability of occurrence, e.g., full house, flush, and straight), and assigning at least one win amount to the subsets (para. 0020; where at least one subset of poker hands must inherently have a winning combination).

Regarding Claims 6 – 8 and 30 – 32, Rowe discloses a method including selecting a plurality of outcome display indicia to be associated with the deal, wherein at least one combination of indicia serves as a winning combination (para. 0020; where a hand of cards is shown to indicate a win amount) including, selecting a plurality of outcome display indicia to be associated with the deal, wherein at least one combination of indicia serves as a winning combination and assigning at least one winning indicia combination to each of the plurality of subsets (para. 0020; where at least one subset of poker hands must inherently have a winning combination).

Regarding Claims 9 – 10, Rowe discloses a method of Claim 8, including selecting a price players should be charged for a pull tab ticket, and associating a win value with each of the plurality of subsets and making at least the pull tab ticket price and win values known to players (para. 0003).

Regarding Claim 23, Rowe discloses a method wherein said ticket index is specified as a serial number, said method further comprising printing a game card specifying the serial number in a machine readable format (para. 0015; where a prize ticket is printed with a bar coded serial number).

Regarding Claim 24, Rowe discloses a method wherein Decksize is the number of pull tab tickets in said deck, and wherein said ticket indices of the pull tab tickets in

Art Unit: 3714

said deck are numeric values ranging between 0 and (Decksized - 1), said method further comprising applying said linear congruential algorithm iteratively until a generated NextTicketIndex value is greater than or equal to 0 and less than Decksized (para. 0020; where electronic gaming machines such as reel games and video poker machines inherently include random number generators to shuffle all possible outcomes and select an outcome based on the relative probability of each outcome, where a random number generator may use any type of specific algorithm to achieve the same tangible result of providing a game outcome to a player).

Response to Arguments

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication 2002/0173354: Pull-tab lottery with ticket printer.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

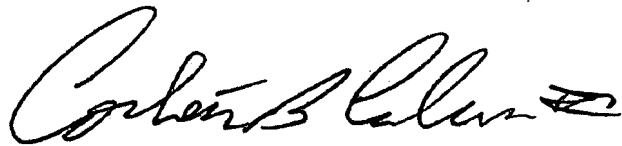
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 3714

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

A handwritten signature in black ink, appearing to read "Corbett B. Coburn" with a stylized flourish at the end.

**CORBETT B. COBURN
PRIMARY EXAMINER**